

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, October 2, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, October 2, 2003, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II
Erminia Ramirez **(ABS)**
Edgar L. Vann, Jr.
Megan P. Norris **(ABS)**

Department Personnel Present

Chief Jerry A. Oliver, Sr.
AC Walter E. Shoulders
AC Ella Bully-Cummings
AC Timothy Black
DC Gloria Reynolds
Cmdr. Andrea Jackson
Cmdr. Leo Powers
Lt. Lawrence Adams
PO Irvette Reed
PO Tyrone Rucker
PO S. Greer-Travis
PO Eric Jarmons
PO Watson
Civ. Patrice Woodward
Dir. Elise Scott
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Stephan Thompson, Sr. Police Commission Investigator
LaTonya Miggins-Coleman, Police Commission Investigator
Michelle McDonald, Community Affairs Coordinator
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Felicia Y. Hardaway

OTHERS PRESENT

Ms. Walters
Rick Jones

Kellie D. Williams

Ron Scott
Mike Payne, WWJ
Gloria Canales
DPOA Atty. Thomas Zulch
Phillip Craccioholo

1. CALL TO ORDER

Chairperson Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 3:16 p.m.

2. APPROVAL OF MINUTES

• Thursday, September 25, 2003

MOTION: Commissioner Vann made the motion to approve the Minutes.

SECOND: Commissioner Blackwell seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

There was no Report from the Chair.

4. SECRETARY REPORT – EX. DIR. GOSS

Suspension

On October 2, 2003, **Police Officer Ahmad Hammoud**, badge 769, assigned the Eleventh Precinct, was suspended without pay by Chief Jerry A. Oliver, Sr.

On August 25, 2003, the Professional Accountability Bureau, Internal Affairs Section was advised of an alleged act of misconduct on the part of Officer Ahmad Hammoud. More specifically, the allegation concerned the improper use of force, that being Chemical Spray Freeze+P and providing false and/or misleading information on official Detroit Police Department documents, those being the Preliminary Complaint Record and the Police Action Incident Report.

An investigation was subsequently initiated into the facts and circumstances surrounding the allegation. The investigation revealed the following:

On July 21, 2003, Officer Hammoud was on duty, in full uniform, and operating a fully marked Detroit Police Department scout car. Officer Hammoud and his partner were in that area of Maine Street located in the city of Detroit at approximately 11:40 p.m. While at that location, Officer Hammoud and his partner arrested a female defendant for disorderly conduct. The defendant, who was handcuffed, was placed in the rear passenger compartment of the scout car and transported to the Eleventh Precinct for processing. Upon arriving at the Eleventh Precinct, the defendant exited the scout car and proceeded into the Precinct with Officer Hammoud at her side. Upon exiting the scout car, Officer Hammoud removed the Detroit Police Department issued Freeze+P from his utility belt and shook it up. While Officer Hammoud and the defendant were walking down the hallway of the Precinct, Officer Hammoud again shook-up the Freeze+P and then proceeded to spray the defendant directly in the face.

A review of the Preliminary Complaint Report as well as the Police Action Incident Report prepared by Officer Hammoud relative to this incident and dated July 17, 2003, indicate that Officer Hammoud's justification for discharging the Freeze+P directly into the face of the defendant was that of self-defense due to the defendant's combative nature and attempt to resist arrest.

A review of the in-precinct videotape indicates that the defendant was complacent, restrained by handcuffs, and non-combative. The in-precinct videotape also indicates that the defendant is a female approximately four feet eleven inches tall (4'11") and approximately one hundred (100) pounds. Officer Hammoud is approximately six feet two inches tall (6'2") and approximately two hundred and eighty (280) pounds.

Officer Hammoud was interviewed under the provisions of Garrity, wherein he indicated that the use of Freeze+P was justified in that the defendant was combative and resisting arrest.

On September 19, 2003, a warrant was issued against Officer Hammoud charging him with Aggravated Assault. Aggravated Assault is a misdemeanor punishable by one-year in jail and/or a fine of One Thousand Dollars (\$1,000.00).

On September 22, 2003, Officer Hammoud appeared at the State of Michigan Thirty-Sixth District Court for arraignment, wherein a plea of not guilty was entered on his behalf and Officer Hammoud was released on a personal bond. A pre-trial hearing has been scheduled for October 21, 2003, at 9:00 a.m.

Based on the above circumstances, it is recommended that Officer Hammoud be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT CODE OF CONDUCT, SERIES 102.3-5.7 AND SERIES 102.3-5.22.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

Atty. Zulch stated I would like to respectfully request that the Board to contravene the suspension for Officer Hammoud. We are in a situation where this Department is required to and is in the process of obtaining devices that are less than lethal force such as Freeze+P, which they had for some time now. We are now in the position of the officers being prosecuted and suspended without pay for what the department feels is unwarranted. The charge itself that was brought against Officer Hammoud, which was my understanding, was that there was some disagreement at the Prosecutor's Office and what the charge was suppose to be, was aggravated assault. A misdemeanor requiring serious or aggravated injury that is what the statue states, but no where in your letter or your request for the warrant indicates that any injury occurred what-so-ever.

The Department's choice to list the size differences and the people involved, clearly indicates to me and it should indicate to the officers of this Department that use of physical force is preferred in that situation. The officer explained why he did what he did and because of the Department chooses not to believe that, they are now asking him to be suspended without pay. The Department's current policy essentially is to suspend any officer in every case of alleged serious misconduct, which something that Arbitrator Margaret Brown and the T.S.S Arbitration says they cannot do. A suspension without pay prior to hearings is an exception to the rule despite what the Department's current policy is about.

Clearly, we do not want to send the message to officer's to keep your Freeze+P put away and use physical force because that is what you are recommending to the officers in this case by suspending this officer without pay. You would be much better off if you commit an assault and battery, than you are being charged with aggravated assault if you used the Freeze+P and the Department and the Prosecutor's Office determines you used it unwarranted.

This is an unfortunate case and I have not seen the video or any of that information and it is not for us to decide the facts of the case, but to send that message out to the officers and I think that is what is being told by this Department is unfortunate and it is just going to lead to more problems. I would like to ask that the suspension be contravened.

Comm. Vann asked is the defendant refuting the videotape?

Atty. Zulch stated I don't believe that the videotape has been showed to the defendant.

Comm. Vann asked so the defendant...

Atty. Zulch stated I have not seen the videotape and the defendant have not seen the videotape.

Comm. Blackwell, II asked do you know there is a videotape?

Atty. Zulch stated I was told that there was a videotape. The defendant prepared his PCR and as far as I know what is in there is factual, that is the only information that I have seen presented.

Comm. Blackwell, II asked are you saying that what the Department is alleging in your opinion is false?

Atty. Zulch stated the facts made are going to be proving out at a disciplinary hearing...

Comm. Blackwell stated the reason I asked is because you said you believe what he said was true.

Atty. Zulch stated we are not here to determine the facts of the case...

Comm. Blackwell, II stated I was just going by what you said about what he has in his report was indeed was true.

Atty. Zulch stated my advice to any officer is that if you use for whether it be physical or anything...

Comm. Blackwell, II stated I am not asking that question. You made a statement relative to what he filled out on the report about facts as he knows as being true.

Atty. Zulch stated I think it states in your letter that he indicates why he used the force. So, yes the officer had reasonable cause to use that.

Comm. Blackwell, II stated so...

Atty. Zulch stated I think it is stated right in your letter.

Comm. Blackwell, II stated what I am saying is that the Department issued that this person was handcuffed and not in that position contrary to what this report says. Asked didn't the Department say this person was handcuffed?

Atty. Zulch stated she was handcuffed and that is in the officers' report as well.

Comm. Blackwell, II asked was he fearful while she was handcuffed?

Atty. Zulch stated I don't think there is a requirement that he was fearful.

Comm. Blackwell, II stated certainly when you use a weapon, you are defending yourself, so you feel that you are coming under some kind of aggressive attack or behavior, but when you use chemical or use of any kind of force that is lethal or otherwise you are defending yourself for a reason, aren't you?

Atty Zulch stated depending on the situation, if she is not complying with the order from the officers then you would have to step up the use of force.

Comm. Blackwell, II asked is there a whole continuum of force issue relative to being handcuffed?

Atty. Zulch stated you could still resist, even if you are handcuffed.

Comm. Blackwell, II stated alright.

Atty. Zulch stated the point I am trying to make is are you referring to him to drag her down the hallway if she refuses to go?

Comm. Blackwell, II stated no.

Atty. Zulch stated I am not saying that is what occurred in this case.

Comm. Blackwell, II stated I am saying that...

Atty. Zulch stated that is what you are saying is that you should use force instead of your Freeze+P to get somebody to comply.

Comm. Blackwell, II stated no, I am saying that a person seemingly followed procedures while this person was handcuffed. Now if you are telling me that in between handcuffing and an altercation, that's a whole different ball game.

Once a person is handcuffed, a female and you...

Atty. Zulch stated is it your assumption that once a person is handcuffed there are complying to what they are asked to do.

Comm. Blackwell, II stated I am saying that once a person is handcuffed they are in a different position than if they are not handcuffed as it relates to the officer's response. Clearly, I have seen enough videos and enough policies that after someone is handcuffed they stand down and when they are not handcuffed.

Atty. Zulch asked have you ever seen it where somebody is...

Comm. Blackwell, II stated yeah, I have and...

Atty. Zulch stated well you would have to take that into consideration as well.

Comm. Blackwell, II stated I did, but you don't want to take weight and gender into consideration.

Atty. Zulch stated I think the point of bringing in the weight issue is that this Department is telling Officer Hammoud that he should use physical force instead of Freez+P and I think that is the message that is being sent out to the officers.

Comm. Blackwell, II stated this right now or what is here today is what the Police Commission is trying to establish what the policies follow. I am saying right now, we haven't used them and I am certain that we can, but it just sounds on the surface that what the officer alleged in his report and what the Department is alleging based on their knowledge and probably what they have seen first hand it seems to be totally contrary.

Atty. Zulch stated it would be my suggestion that the actual determination to who is right and who is wrong should be conducted at a hearing and he should not be suspended until that day.

Comm. Blackwell, II stated so in other words, the fact that there was somebody being charged with whatever or whatever, then it should always go to the hearing until the discipline meet it out.

Atty. Zulch stated I don't think that I just said that. This has to be an exceptional issue, egregious conduct, or something that can't allow the officer to work as a police officer again and I don't think this meets this standard.

Comm. Blackwell, II asked does a suspension without pay means that a police officer could never work again?

Atty. Zulch stated it has to be some serious misconduct that pulsated into question, yes.

Chairperson Hampton asked was the subject arrested at a particular location other than the precinct and was handcuffed and transported to the precinct and then there was a problem of resistance?

Atty. Zulch stated there was a problem with resistance and I am aware of problems that followed the next day at the precinct as well with a prisoner detention officer.

Chairperson Hampton asked have you reviewed the videotape?

Atty. Zulch stated I have not received all of the information that they found in the investigation that involved this police officer.

Comm. Vann asked according to this testimony, did this incident occurred in the precinct, is that correct?

Atty. Zulch stated it is my understanding that the actual spray took place...

Comm. Vann stated that is what I meant. He asked did the spray took place inside the precinct?

Atty. Zulch stated that is what I understand.

Comm. Vann stated again the obvious physical disparity between the two individuals and the fact that they are more than likely precinct officers around.

Atty. Zulch stated it is my understanding is that where this hallway is, there were no other officers around that appeared on the camera or in the area that saw what occurred. I don't know what the precinct looks like. It is a long hallway that leads into the prisoner detention area.

Comm. Vann asked someone is doing something. If a woman is 4'11 and 100 pounds and an officer that is 6'2 and 300 pounds, which makes me want to ask the Chief about programs we have for fitness. It just happened that they walked through and walked past the front desk...

Atty. Zulch stated it is my understanding that this is not ongoing past the front desk, it is a direct hallway leading from the garage or the outside.

Comm. Vann stated all of a sudden this woman has been handcuffed and brought in walking along side the police officer undisputed into the precinct whichever door they went in and however they went in and going past whoever they went past and then all of sudden they started resisting.

Atty. Zulch stated you are assuming facts that have not been presented to you. It is my understanding that his partner also indicated that she was difficult to get out of the car and all the way to the precinct that she was being a problem, it was not that she was cuffed and she completely complied.

Comm. Blackwell, II stated but yet she wasn't sprayed when all of that happened. According to your testimony, she was sprayed inside.

Atty. Zulch stated I am basing it on what information...

Comm. Blackwell, II stated I am just basing it on what you just said.

Atty. Zulch stated as I indicated I am not going to argue the facts by saying this is not standard to suspend him without pay.

Comm. Blackwell, II stated the issue is, we probably didn't have a problem with anything that you said until you said that this is a policy of the police department and that is when we get involved because we approve policies. We are not saying that it is better to use physical force.

Atty. Zulch stated I think that is the message that you are sending out.

Comm. Blackwell, II stated that you are speaking off facts, because no one is not saying that.

Atty. Zulch stated I think you are implying that.

Comm. Blackwell, II stated I think that you are trying to assume the implication because I speak very clearly. We are not implying to anybody that they should use physical force versus other means that are part of the policies or procedures. We are saying that we are a police department under a Justice Department Consent Decree and we are looking at the continuum force and all of these issues and we hear the issue of the woman being handcuff and getting from point A to point B without being sprayed and then getting indoors and then all of a sudden this person is getting sprayed, it would raise the question of why did this happen. Then we are being told that there is an actual videotape showing this, which we will certainly look at. I don't think that the Department would alleged that somebody got sprayed on a videotape that didn't because they would be in trouble with us, if they came up and made that kind of false allegation.

Atty. Zulch stated I don't think that there is any denying that the officer reports to his officer that the spraying took place in the precinct.

Comm. Blackwell, II stated more importantly, but handcuffed. I think that is the

whole issue here is to have someone handcuffed and I guess the question is in his report from the time she was sprayed after that point of hesitating did she cooperate?

Atty. Zulch stated he turned her over to the detention police officer.

Comm. Blackwell, II asked after that point she didn't cooperate he then sprayed and then she cooperated up to the ...

Atty. Zulch stated it is my understanding is that he gave her some warnings to cooperate and she refused. He did not physical want to grab her because of the size difference and therefore he used his pepper spray.

Comm. Blackwell, II stated you just said the size difference didn't matter, so why did you say because of the size difference? You have to listen to what you are saying. You are saying the size shouldn't be an issue because it should be whatever it is and if they are not complying they should use what means are necessary and then you said because of the size.

Atty. Zulch stated he should not use physical force.

Comm. Blackwell, II stated because of the size difference. Asked did you say that or did I just hear that.

Atty. Zulch stated I said that.

Comm. Blackwell, II stated if you said that...

Atty. Zulch stated either way, it really doesn't matter.

Comm. Blackwell, II stated I don't disagree with you, but...

Atty. Zulch stated what if the size differences were reversed?

Comm. Blackwell, II stated then I would think that the spray would have been justified.

Atty. Zulch (inaudible)

Comm. Blackwell, II stated you just said because of the size difference...

Atty. Zulch stated I am not denying that I said that.

Comm. Blackwell, II stated in other words this guy was exercising good judgement to not use physical force, I think that is good. Then something happened, we are just trying to determine what could happen and what kind of

resistance could have happened for him to have to have to spray this woman so that we could learn from it.

Atty. Zulch stated I think that information is contained in his PCR.

Comm. Blackwell, II (inaudible)

Atty. Zulch stated he stated what he did and why he did it in a lengthy PCR.

Comm. Blackwell, II asked if you saw the tape would you say something different?

Atty. Zulch stated I am not purviewed to the investigation. I am basing my information on what was presented to you and the parts of the PCR that I have .

Comm. Blackwell, II stated this Board is not in anyway trying to save our actions on a particular non-contravention of a suspension that officers should start using force rather than other means that are available to them pursuant to policy and procedures. What I am saying is that a person that is somewhat compliant and being handcuffed, it seems to me that the officer was in a position of controlling this individual a lot more than having to use the spray. What the counselor is saying in his report is that he begs to differ, but what I am saying is that the Department is saying that there was an in-videotape showing that the person was somewhat complacent and restrained with handcuffs. So there is really a conflict of testimony. I don't think that the Department would come here and I certainly hope Chief that the Department would come in and say this without this being the case, fact or point.

Chairperson Hampton stated I think that is clear and it does not implied or not safe to assume.

Atty. Zulch stated Comm. Blackwell, as you indicated was that she couldn't physical control this person (inaudible). They used the word physical, but you used the word control and that's his options whether he sprays her and then she complies or whether he physical controls her. Again that is why I am saying that I think you are implying that he should have used physical force.

Comm. Blackwell, II stated clearly you are physically control her regardless because when you spray somebody you don't untouch them do you and say march that way? Don't you have to hold them?

Atty. Zulch stated no.

Comm. Blackwell, II asked so you just spray them and you tell them to walk straight and they walk by themselves?

Atty. Zulch stated quite often.

Comm. Blackwell, II stated I have never seen someone get out of a car without being helped out. He asked have you?

Atty. Zulch stated yes.

Chairperson Hampton asked doesn't the spray affect your vision?

Atty. Zulch stated it can, but it doesn't always work on everyone that is sprayed.

Comm. Blackwell, II asked could you walk a straight line once you are sprayed?

Atty. Zulch stated possibly. I am basing my answers on personal experiences from police officers and I am sorry if you don't believe what I am telling you.

Comm. Blackwell, II stated I am asking you questions about a case and you are telling me about your personal experiences and I am asking you was this person handled physically and you are saying no. So that means that from the time that she was sprayed she was given a directive and she walked to her seat without being hit on the arm or anything.

Atty. Zulch stated I don't know what occurred after the spray.

Atty. Hooks stated I am just going to ask that we get back to the matters at hand and that is the suspension without pay recommendation that was presented. Nancy Ninowski is here to argue on behalf of the Department. We have covered some facts that are not covered in the write up and I would just ask that we remain with what was presented and listen to the legal arguments with respect to the conduct that is before this Board. Thank you.

Chairperson Hampton thanked Atty. Hooks and stated we will concur and support that.

Atty. Ninowski stated this morning Mr. Zulch's colleague was in my office and I gave him a packet of information regarding this case and we also reviewed the video together. The issue of this case before the Board this afternoon is whether the conduct is egregious to warrant the suspension without pay the Department's position is yes, that the conduct is egregious such that a suspension without pay is warranted. Officer Hammoud and his partner arrest a female for disorderly conduct, she is handcuffed, then placed in the rear seat of the scout car and transported to the station. They arrived at the station and Officer Hammoud is operating the scout car, he exits the vehicle and

disengages his chemical spray device from his utility belt as he is walking around the vehicle he shakes the chemical or pepper spray and opens the rear door of the scout car and the female slides out while handcuffed, they walk to the door of the precinct Officer Hammoud opens the door while he is shaking his pepper spray and moving it from hand to hand, they proceed to walk down the hall of the precinct and continues to shake his pepper spray and moving it from hand to hand. He then discharges his pepper spray into the face of the female and then he escorts her to a holding cell. Those are the facts. The problem is nothing happened. The female was not resistance, she was handcuffed, they were walking down the hall. If I sound casual that's because they were casual because they were simply walking down the hall the only difference is that she was handcuffed.

We do have an egregious violation of the rules and regulations of the Department as it relates to chemical spray devices. Officers are forbidden from discharging chemical spray devices when a defendant is handcuffed. It says, "thou shall not discharge a chemical spray device when an individual is handcuffed."

Comm. Hampton asked period?

Atty. Ninowski stated period, it is in the new directives. The directives also indicates that you can use a chemical spray device when an individual is resisting arrest or in self-defense, but not when an individual is handcuffed. We also have a serious violation of the rules and regulations because Officer Hammoud submitted a false preliminary complaint report indicating that the defendant was resisting arrest, that did not happen. A false police action incident report where it indicated that the defendant was resisting arrest that did not happen. Nothing happened to cause Officer Hammoud to discharge that chemical spray device we also have violations of the criminal law because Officer Hammoud is charged with aggravated assault through the Wayne County Prosecutor's Office. I think the Department gives a serious issue with respect to trust. Can we trust this officer to perform his function? No. And what about the community's confidence in the police department to perform this function. We fail to take action on this officer. With all due respect, I would ask that the Board members uphold the Chief's decision and not contravene the suspension without pay. Thank you.

Comm. Blackwell, II stated the facts that you present seem pretty clear. He asked are you getting these facts from watching the video, a testimony, or etc?

Atty. Ninowski stated I viewed the video, I read the police reports that were forwarded to me, investigative reports, the preliminary complaint report, the police action report and the action and incident report.

Comm. Blackwell, II asked who viewed the tape with you?

Atty. Ninowski stated John Goldpaugh viewed it with me this morning.

Comm. Blackwell, II asked so then an attorney for the police department did view the tape?

Atty. Ninowski stated yes.

Comm. Blackwell, II asked is the officer being represented today a member of the Union?

Atty. Ninowski stated Mr. Zulch is representing the officer and DPOA. Mr. Goldpaugh and he work in the same office.

Comm. Blackwell, II asked so he didn't see it, but they saw it?

Atty. Ninowski stated yes.

Comm. Blackwell, II stated I thought they didn't have an opportunity to see it and I figured that it was a disadvantage. He asked so they saw it?

Atty. Ninowski stated yes.

Atty. Zulch stated I don't know if Mr. Goldpaugh saw it or not, but he called me this afternoon and sent me over here to argue the suspension. If he saw it I was not aware of it.

Comm. Blackwell, II asked when he called you, you didn't ask him if whether or not he saw the tape?

Atty. Zulch stated it wasn't a question, it didn't matter to me because it is not something that is going to be presented to you to determine the suspension. Also, just for the record Ms. Ninowski is indicating what the "facts" are and that is what the hearing is suppose to determine and to get all of the information and determine what all the facts are and that is why he should not be suspended until he has that hearing. A clear indication of what is in his report is different than what they are saying and that is why he should be entitled to a hearing to determine what is right and what is not right.

Comm. Blackwell, II asked when will he get a hearing?

Atty. Zulch stated eventually, if he is lucky it would be sometime next year.

Chairperson Hampton asked are you familiar with the procedures that if you are handcuffed you are not to be sprayed?

Comm. Vann stated that is a good point to ask.

Atty. Zulch stated according to Ms. Ninowski that that is in the new Manual. I will say that Officer Hammoud has requested a written copy of the Manual because he doesn't have a computer and access to the Web and he has not been presented with a copy of that as of this date. Our officers had training in regards to what is covered in the Manual.

Chairperson Hampton asked are you familiar with it?

Atty. Zulch stated I do not have a copy of the Manual.

Comm. Vann asked how could you make arguments, if you are not familiar with the policies of the Department?

Atty. Zulch asked Comm. Vann were you aware of that policy prior to Ms. Ninowski statement.

Comm. Vann stated I am not a lawyer and I don't work for the DPOA, but you do. My point is if you have taken all of this time, then you should at least read a policy.

Atty. Zulch stated if he violated the policy, then you have a right to discipline the officer and you would have a hearing to do that. We are here to decide whether you are going to take his pay and determine if he violated the policy and if he should be discipline by they Department.

Chairperson Hampton asked are there any more questions or comments.

Comm. Vann stated I still want to know if we have any fitness requirements.

Chief Oliver stated we will give the Board a presentation on that in the future.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	25	886
Weekly Count of Allegations:	40	1,893
Arrest	2	83
Demeanor	10	576
Entry	0	36
Force	8	152
Harassment	0	62

Procedure	10	669
Property	4	93
Search	1	60
Service	1	161

Pending Cases

As of July 23, 2003, the Office of the Chief Investigator (OCI) has a total of **652 pending cases**, which include **139 cases** with an age of 0-45 days, **48 cases** with an age of 46-60 days, **136 cases** with an age of 61-90 days, and **112 cases** with an age of 91-120 days, **115 cases** with an age of 121 days – 6 months, and **102 cases** with an age of 7-9 months.

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During the past week: 21 **Year to Date:** 838

5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT
MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of September 24th-30th, 2003.

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, South-East, North-West and Vice Sections conducted three enforcement actions that resulted in (4) felony arrests. These enforcement actions resulted in the confiscation of 293 grams of cocaine, 8 grams of heroin and 2,036 grams of marijuana, with a street value of \$139,744.00. \$882.00 in U.S. currency, was confiscated from these enforcement actions.

COMMERICAL AUTO THEFT UNIT (CATU)

On September 28, 2003, officers of CATU received information that a resident of the 15000 block of Patton was in possession of several stolen vehicles. Officers of CATU made the location. The investigation resulted in one subject being arrested and charged with "Operation of a Chop Shop" and five stolen vehicles recovered.

TACTIAL SERVICES SECTION (TSS)

September 27, 2003, through September 30, 2003, The Tactical Services Section provided Homeland Security support during the First U.S Arab Economic Forum. This event was held at the Detroit Marriott Renaissance Center. The Canine Unit of TSS provided bomb sweeps of the event venues, hotels, equipment and vehicles, to ensure the safety of our Heads of State and visiting foreign dignitaries.

Chief of Police Jerry A. Oliver, Sr.

6. PRESENTATION – MANPOWER STATUS

Chief Oliver stated we have a presentation that Dir. Bryant-Weekes will present on our most recent attrition report and manpower of the Detroit Police Department.

Dir. Bryant-Weekes gave the following copy of the most current Attrition Report:

(See Attached)

Dir. Bryant-Weekes stated our system still does not record civilian executives in the Department, so when you are looking at numbers for the Deputy Chief we are actually over budget by one Deputy Chief and that is only because City Council has not officially approved a C.R.I.B Bureau position. So the budget number comes from the Budget Department and until City Council officially approves that position, it will always show that were are over budget. It shows we are under budget by one, but that number does not include Deputy Chief Pam Evans nor does it include Deputy Chief Gloria Reynolds.

Questions/Answers

Comm. Blackwell, II asked are these full-time budgeted positions that are approved by City Council for the fiscal budget that ends on June 30?

Dir. Bryant-Weekes stated yes.

Comm. Blackwell, II asked is overtime a separate budgeted item?

Dir. Bryant-Weekes stated yes, these are only our numbers.

Comm. Blackwell, II stated I understand that these are what have been budgeted and you can hire up to meet what's in the budget. The issue is if you go over in overtime budget any of these salaries that are never used to pay overtime from a budget standpoint.

Chief Oliver stated we are only funded...even though we have these FTE's all of the FTE's are not funded. So in terms of the salary savings that you are talking about are potential you would only get that salary savings if all positions were funded at the beginning. What happens is that you get a number of FTE's and then the budget does not support all of those FTE's because they don't feel like you are going to be able to fill them quickly. So we are not really funded for them.

Dir. Bryant-Weekes stated if today I presented 358 police officers for hire, I would be allowed to hire them.

Chairperson Hampton asked with what's in the budget?

Dir. Bryant-Weekes stated yes, however, based on our previous hiring patterns the Budget Department has determined that we won't hire 358 before the end of this coming fiscal year. So they have actually taken back that salary saving and they are using some place else. If it so happened that we were able to hire 358 officers, they would not say no.

Comm. Blackwell, II stated it sounds like they would not say no if you did it at the beginning of the fiscal year, but once you get to the second or third quarter you are in a position where they have already made an assumption that you are not going to get that and then the money is used as a general fund expenditure that you would use accordingly.

Dir. Bryant-Weekes stated right, they would probably ask us to hold off.

Comm. Blackwell, II asked do you get federal funding for certain positions? Are there any grants that go along with certain positions?

Dir. Bryant-Weekes stated yes.

Comm. Blackwell, II asked so those positions have to be maintained, you can not fill those and not utilize the entire grant?

Chief Oliver stated you always have to maintain the top positions.

Comm. Vann asked in regards to deployment how seriously does court appearances, suspended officers, furloughs and etc. impact the Department on a daily basis?

Chief Oliver stated it does have an impact on how many officers we have on the streets.

Chairperson Hampton asked what is the plan to replace these officers that are

gone through attrition?

Dir. Bryant-Weekes stated we are currently and actively hiring. since the beginning of the year we have put in three classes. There is currently a list that is being processed in the Chief's office and another list that is on its way to my office. I think sometime ago, I did a presentation to the Board and indicated that it was our goal to put a class in every month. Right now, I am sort of on track of that goal maybe every 8 weeks, every 10 weeks is sort of where we are. We have changed some of our recruiting standards as was indicated in my presentation, so with any change in standards that might set us back a little bit in terms of something that is not acceptable or our new hires. Overall, we are putting in a class every other month. We have targeted to hire approximately...Beginning from what we hired this year, we are hoping to hire at least 225 new officers by the end of December.

Chairperson Hampton asked in that same time period, how many officers are projected to retire or separate from the Department?

Dir. Bryant-Weekes stated on page two (2) of the handout you will see from September 26 to October 2, we have had eight separations from the department. Most of them are retirements, two (2) resignations and the following pages indicate some of our current leads of absence. On the last page these are the pending separations that we have received so these are the officers that have indicated their intentions to retire from the Department. We have (6) six pending separations for the remainder of this month, we have one for the month of November and December, and we have two (2) for the month of January. So with the numbers that we are hiring, we would actually be ahead of the attrition from this point. We did have massive attrition in July and early in the year of January.

Comm. Vann asked could you give us the ratio of how many people apply for the Department and are rejected?

Dir. Bryant-Weekes stated last year we had approximately 3,000 walk in applicants and last year the Department hired approximately 78 police officers.

Comm. Blackwell, II asked you had 3,000 applications?

Dir. Bryant-Weekes stated yes.

Comm. Blackwell, II asked out of those 3,000 only 78 were hired?

Dir. Bryant-Weekes stated yes. The bulk of our applicants are disqualified as soon as they walk in the door. Many of our applicants are walk-ins, which is why in Recruiting we have developed a more aggressive recruiting strategy. For example, we are changing the applicant pool that we target. Many of our

applicants that walk in door, walk in the door with felony convictions, which of course is an automatic disqualification. However, we do count those numbers and we do count them as applications. When they come in they fill out an interest card, they are never given the actual full application packet. When they fill out the interest card, the background investigator runs a background check right there on the LEIN system to see if they have any...

Comm. Blackwell, II asked how many applications would get pass the initial disqualification phase?

Dir. Bryant-Weekes stated I don't have that information with me right now, but I believe last year we placed into background about 1,000 applicants and of those applicants...The number 78 may not always reflect applicants that we found to be acceptable. Sometimes because of the process and that is part of what we are changing in Recruiting to shorten our process because some applicants voluntarily withdraw because by the time they go through our background investigation, they may have found another job or they have lost interest,, so some of those numbers were due to that. Sometimes the applicants' physical agility scores, which are only valid for 180 days and sometimes it, might expire and they don't want to take it again. Now we encourage the applicants to wait to take their physical agility to see if we could do their background check, so that their scores are valid for 180 days. If they take it and then they come to us they may be close to expiration and our process might take a little longer and then it will expire.

Comm. Blackwell, II asked the necessity to hire more police officers is being attacked by trying to target a pool that kind of pre-qualifies from a standpoint of not having any and any interest of qualifications that you may use. Asked do you see that you are in the position to create a process that may accelerate the hiring of officers?

Dir. Bryant-Weekes stated absolutely. We are developing a comprehensive marketing campaign as well to target a population that we think would come onto the police department and not come onto the department. We are trying to get our applicants to not focus on the bottom dollar because that number might tend to scare them away. Our marketing campaign, "Hiring in the Spirit of Service," is just that, to bring on officers who interested in and willing to serve and to have a fear of service. We are totally changing our marketing strategy and our applicant pool that we are targeting. We are targeting colleges and universities, but now we are not just targeting colleges and universities with criminal justice programs, but we are targeting all colleges and universities and developing partnerships with social work programs and other traditional services and oriented fields. It is going to be a slow start initially, but in the long run after we developed and gotten it off the ground we are certain that are numbers are going to go up in terms of qualified applicants that we are able to recruit. In fact, our recruiters will be going to some of our historical black colleges and

universities and doing some recruiting in terms of those service oriented fields as well as criminal justice fields.

Comm. Blackwell, II asked do you think that the profile of the individual applicant will change if the starting salaries went up significant?

Dir. Bryant-Weekes stated absolutely. In the metro area our officers are much more paid than other police departments because their starting pay is \$45,000, but they don't have as many opportunities because the department is smaller. We have had applicants that took pay cuts to come onto the department.

Comm. Blackwell, II asked did they take pay cuts from other jobs?

Dir. Bryant-Weekes stated from other non-police jobs.

Comm. Blackwell, II asked if you multiple the positions that you didn't fill multiplied by \$27,000

Dir. Bryant-Weekes stated we intend to fill those positions.

Comm. Blackwell, II stated maybe the budget strategies needs to change because we never fill them and as we get pass the second quarter, it would probably be better to have a group of highly motivated officers in a smaller number with more pay than more officers with less pay.

Dir. Bryant-Weekes stated we consistently go over our overtime budget. In the past the department did hire up to their budgeted strength and then the City put a hiring freeze and so then the numbers quickly plummeted.

Comm. Blackwell, II asked how do we rank with Chicago and New York police Departments?

Dir. Bryant-Weekes stated we are still very low.

Comm. Blackwell, II asked could we get some money like how there is \$30 billion dollars available fore homeland security? I think that police officers and teachers are underpaid.

Chief Oliver stated that money for homeland security is for equipment, training and technology.

Comm. Vann asked is it still the case that an officer with a family of four and a salary of \$27,000 is still eligible for food stamps?

Dir. Bryant-Weekes stated that is still the case.

Comm. Hampton stated we should look for some lazy money and I am sure that the union won't object to reopening the contract and revisiting the salary.

7. REQUEST ACCEPTANCE OF A GRANT

The Detroit Police Department is eligible for a non-competitive grant award from the Bureau of Justice Assistance (BJA) under the Local Law Enforcement Block Grant (LLEBG) Program in the amount of **\$3,965,567** (BJA VIII) for Fiscal Year 2003-2004. As a recipient, the Department is required to provide a **cash match of \$440,619**.

Funding for this grant will be used to continue the build-out of the wireless network for the Detroit Police Department, and for the purchase of handheld devices that will be used by department members to access the records management system.

MOTION: Commissioner Blackwell made the motion to approve acceptance of the Grant.

SECOND: Commissioner Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. DISCIPLINARY APPEALS

In the Matter of Disciplinary Appeal, **Police Officer Chad Jagotka, BPC 03-002D**, D.P.O.A. Attorney Thomas Zulch represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advisement.

In the Matter of Disciplinary Appeal, **Police Officer Ryan Conner, BPC 03-003D**, D.P.O.A. Attorney Thomas Zulch represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advisement.

In the Matter of Disciplinary Appeal, **Police Officer Jose Hardrick, BPC 03-012D**, D.P.O.A. Attorney Thomas Zulch represented the petitioner and asked that Oral Arguments be withdrawn. Attorney Nancy Ninowski, City Law Department represented the Department and stated she did not object. The Appeals Subcommittee took the matter under advisement.

9. OTHER BUSINESS

There was no Other Business.

10. ORAL COMMUNICATION FROM THE AUDIENCE

PO Rucker voiced a complaint about a policy failure in regards to an officer being suspended with pay because he did follow his partner's command to sit in the back of the scout car with an individual that was handcuffed.

Phillip Cracchiolio voiced his complaint in regards to children being assaulted by other school children.

Rev. Oscar King requested a police officer to be assigned to our police foundation so that we can carry out our fiduciary responsibilities.

Ron Scott voiced his concerns in regard to an individual who broke into shelter for battered women in the Third Precinct area, while the women were in the building and the police took a long time to respond. He also voiced concerns in regards to a woman being barricaded and technology problems in regards to a system that logs car in as being stolen.

Ms. Walters voiced her concern in regards building our future police an elementary school.

11. ANNOUNCEMENT OF NEXT MEETING

Thursday, October 9, 2003 @ 6:30 p.m.
American Axle and Manufacturing Inc.
1840 Holbrook
Detroit, MI 48212

12. ADJOURNMENT

Meeting was adjourned at 4:54 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw